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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Van Malssen et al.

Serial No.: 10/048,139 Art Unit: 1761

Filed: October 1, 2002 Examiner: Carolyn A. Paden

For: **METHOD FOR THE MANUFACTURE OF CHOCOLATE**

Customer No.: 29540

**SUPPLEMENT TO RESPONSE**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit this supplement to the response filed on February 14, 2006 to make the substance of the interview with the Examiner conducted on February 9, 2006 at 10:00 am of record in the aforementioned application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 15, 2006.

Liza Montalvo

Attorney

Liza Montalvo  
Signature

February 15, 2006

Date of Signature

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-1145.

**REMARKS**

Applicants would like to thank the Examiner for scheduling an Interview with Applicants' representatives, Lindsay S. Adams and Liza Montalvo, to discuss the merits of the present application.

Applicants scheduled an Interview with the Examiner on February 9, 2006 at 10:00 am to discuss the references cited in support of the rejection of the claims under 103(a). Applicants respectfully noted that the Examiner may have incorrectly interpreted the Minifie reference. In the outstanding office action, the Examiner alleged that the reference teaches using seed material above 30°C. Applicants explained that Minifie did not teach using a seed material above 30°C but instead disclosed that the liquid chocolate was at a temperature above 30°C and that the seed material couldn't be at a temperature above 30°C because it is in the form of solid chocolate shavings.

In addition, in response to the Examiner's argument that the claims did not define the liquid seed material as being 100% liquid, Applicants noted that claim 1 specifically recites that the cooled mixture substantially does not contain any crystalline material in the  $\beta'$  phase. By this limitation, Applicants are inherently excluding solid shavings because the solid shavings contain seed crystals in the  $\beta'$  phase.

The Examiner graciously agreed to consider Applicants arguments once submitted in response to the outstanding office action.

Applicants would once again like to thank the Examiner for allowing Applicants to present arguments distinguishing the present invention from the art cited.

Respectfully submitted,



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